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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,865	05/05/2005	Bo-Seung Jung	NAM2P001	4867

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EXAMINER

VOGELBACKER, MARK T

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/506,865	Applicant(s) JUNG ET AL.	
	Examiner Mark T. Vogelbacker	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 and 68-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-32 and 68-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 21-32 and 68-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "third" is recited throughout the claims to describe various structure. However, the terms "first" or "second" are not recited. Therefore, the recitation of "third" is indefinite since it inherently refers to structure that is not claimed.

Claim 70 recites the limitation "the third guide recess" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

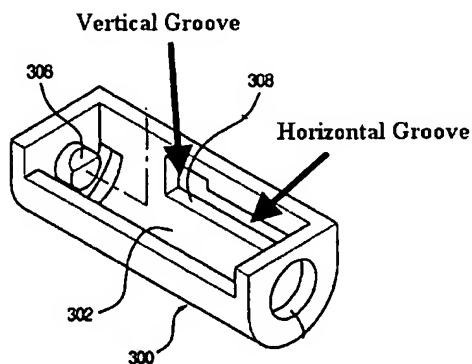
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 21, 25 and 27-32 are rejected under 35 U.S.C. 102(b) as anticipated by Samsung Electronics Co., KR-2001-0051282.

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Samsung discloses the invention as claimed, including a cover (110), a body (100), a housing (120), a rotary chamber (122), a hinge chamber (300), a rotary part (140, 150, 160, 170) and a hinge part (3310, 3320, 3330, 3340, 3350). The rotary part (140, 150, 160, 170) includes a cylinder (170), a cylinder chamber on the interior of the cylinder (170), a cylinder hole (172), an arm (180), a cylinder groove (174), a compressed spring (160), a rotary slip part (150), a rotary slip hole (152) having a fixed slip part (140), a polygonal hole (144), a slip surface on an upper surface of the fixed slip part (140), a shaft (130) having a polygonal projection (132), an annular groove (134) and a sealing (190). As a cylinder projection (176) is formed on the outer peripheral surface of the cylinder (170), it is inherent that some form of stopper is located on the interior of the rotary chamber (122). The hinge part (3310, 3320, 3330, 3340, 3350) includes a hinge spring (340), a rotary hinge part (330), a rotary hinge hole (332), a rotary hinge projection (338) that combines with the guide recess (308), a rotary hinge surface (336), a fixed hinge part (326), a fixed hinge surface (328), a fixed hinge projection (322) and a hinge shaft (324). The hinge chamber (300) opens at a top portion, has a hinge chamber hole (304) and a vertical groove (308).



Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-24 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samsung Electronics Co., KR-2001-0051282, in view of Tamamitsu et al., JP-2001-319833.

Samsung discloses the invention as claimed, including projections (154) on the rotary slip part (150), but does not mention balls, grooves or recesses. Tamamitsu teaches a hinge mechanism of a portable phone, including balls (33) installed on hemispheric grooves (32) and guide recesses (96). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hinge of Samsung to include balls, grooves and recesses, as taught by Tamamitsu, to reduce the friction between the rotary slip part and the fixed slip part.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samsung Electronics Co., KR-2001-0051282, in view of Steinhoff et al., US-6,088,240.

Samsung discloses the invention as claimed, but does not mention a cutoff portion. Steinhoff teaches a hinge mechanism of a portable phone, including a rotary chamber (125) with a cutoff portion (141) through which a wire (202) enters. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hinge of Samsung to include a cutoff portion, as taught by Samsung, to allow wires to be placed through the center of the rotary chamber without the need for an attachment near the end of the wire to pass through the cutoff (col 6, lns 13-15).

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8. Claims 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samsung Electronics Co., KR-2001-0051282, in view of Arakawa et al., US-2003/0162569 A1.

Samsung discloses the invention as claimed, but does not mention a camera lens.

Arakawa teaches a hinge mechanism of a portable phone, including a camera lens (16) attached to an inner surface (15) of the cover (12) and a control switch (19) installed to a side of the body (13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone of Samsung to include a camera, as taught by Arakawa, to allow the user to take pictures of any desired object (pg 3, [0063], lns 7-9).

Regarding claim 69, Samsung and Arakawa teach a camera lens on the inner surface of the cover, not the body as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone of Samsung and Arakawa to place the camera lens on the body, as claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art (*In re Japikse*, 86 USPQ 70).

Response to Arguments

9. Applicant's arguments filed June 22, 2006 regarding rejections under 35 U.S.C. 102 have been fully considered but they are not persuasive.

Regarding Applicant's argument on page 11, lines 7-28, after inspection of the English translation of Korean application KR 10-2002-0017842, Examiner acknowledges Applicant's right to priority is at least as early as April 1, 2002. However, Examiner disagrees with Applicant's assertion that Samsung Electronics Co., KR-2001-0051282, was never published. Samsung Electronics Co., KR-2001-0051282, must have been published at some point in order

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for Examiner to have obtained a copy. Because Samsung Electronics Co., KR-2001-0051282, and Applicant do not share a common inventor, Examiner is unclear how Applicant knows the date of earliest publication of Samsung Electronics Co., KR-2001-0051282, or related applications.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Vogelbacker whose telephone number is (571) 272-1648. The examiner can normally be reached on 8:00 am - 5:30 pm M-F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MTV

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